

approve this portion of Georgia's July 26, 2012, SIP submittal.

#### IV. Proposed Action

EPA is proposing to approve, into the Georgia SIP, portions of Georgia's September 26, 2006 (with a clarifying revision submitted on November 6, 2006) and the July 26, 2012, SIP revisions adopting federal regulations amended in the October 20, 2010, PM<sub>2.5</sub> PSD Increment-SILs-SMC rule; the June 3, 2010, CO<sub>2</sub> Biomass Deferral Rule; and the March 30, 2011, Fugitive Emissions Interim Rule, amendments regarding the PM<sub>2.5</sub> Grandfathering Provision, definition changes regarding testing and monitoring, and changes regarding exemptions from the requirement to obtain a SIP permit and exemptions for incinerators. EPA is not however proposing to approve in this rulemaking Georgia's July 26, 2012, SIP revision regarding the SIL thresholds and provisions and Rules 391-3-1-.02(www)—*Sewage Sludge Incineration*, 391-3-1-.03(9)—*Permit Fees*, 391-3-1-.02(8)(b)—*New Source Performance Standards* and 391-3-1-.02(9)(b)—*Emissions Standards for Hazardous Air Pollutants*. EPA has made the preliminary determination that these SIP revisions, with regard to the aforementioned proposed actions, are approvable because they are consistent with section 110 of the CAA and EPA regulations regarding NSR permitting.

#### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 F43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: January 4, 2013.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R04-OAR-2012-0622; FRL-9770-1]

#### Approval and Promulgation of Implementation Plans; Georgia: New Source Review—Prevention of Significant Deterioration

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** EPA is withdrawing a proposed rulemaking published in the **Federal Register** on January 2, 2013, to approve changes to the Georgia State Implementation Plan (SIP) New Source Review Prevention of Significant Deterioration program for the fine particulate matter standards as a result of the inadvertent publication of an incorrect version of the proposed rulemaking.

**DATES:** The proposed rule published January 2, 2013, is withdrawn as of January 14, 2013.

#### FOR FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** On January 2, 2013 (78 FR 45), a proposed rulemaking was published in the **Federal Register** entitled "Approval and Promulgation of Implementation Plans; Georgia: New Source Review—Prevention of Significant Deterioration" to approve changes to Georgia's SIP-approved regulations entitled "Air Quality Control Rule 391-3-.1." The proposed rule version published in the **Federal Register** on January 2, 2013, was an incorrect version and EPA therefore, is now withdrawing its January 2, 2013, proposed rulemaking action. In a separate action, the correct version of EPA's proposed rulemaking related to Georgia's Air Quality Control Rule 391-3-.1 is being provided for public comment. This course of action will promote efficiency, mitigate confusion, and create a new comment period on the future proposed action to approve Georgia's SIP revisions related to Rule 391-3-1 with a proper basis of evaluation.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 4, 2013.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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